

**FOR PUBLICATION**

**FILED**

**UNITED STATES COURT OF APPEALS**

**AUG 16 2023**

**FOR THE NINTH CIRCUIT**

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

FRANCISCO LUCAS, Jr., AKA Choko,  
AKA Francisco Lucas,

Defendant-Appellant.

No. 22-50064

D.C. No.

8:21-cr-00017-JVS-1

Central District of California,  
Santa Ana

**ORDER**

**MURGUIA**, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion is vacated.